

Court of Appeals, State of Michigan

ORDER

Sharon Lee Schellenberg v Bingham Township

Docket No. 289401

LC No. 06-007326 CZ

Patrick M. Meter
Presiding Judge

Donald S. Owens

Michael J. Kelly
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is GRANTED, and the claim of appeal and claim of cross appeal are DISMISSED as to the order of August 14, 2008. A party cannot wait until entry of the order regarding attorney fees to appeal the earlier order entered. See *Baitinger v Brisson*, 230 Mich App 112 (1998). The claim of appeal does remain PENDING as to the order of November 26, 2008.

Kelly, J. would DENY the motion to dismiss.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 18 2009

Date

Sandra Schultz Mengel
Chief Clerk